

REMARKS

The rejection of independent claim 7 (and claims 8 and 10 that depend on claim 7) as being anticipated by Doljack (US Patent 6,442,276) is traversed.

Doljack (column 8, lines 15 to 16) is concerned with "a method of verifying the authenticity of products without accessing an offsite master" In contrast, the present invention uses an offsite decryption algorithm to compare information derived from product packaging with other data to determine authenticity of the product.

Doljack puts a single piece of information - a combination code - on the packaging. The "combination code" includes random and non-random data and is encrypted before being marked on the packaging. This is in direct contrast to the marking method recited in claim 7 which recites that "public data" be applied to the goods and a "security code" be applied to the goods. The security code of the present invention is derived from the public data "by means of a predetermined encryption algorithm".

While Doljack presumably has other data on the packaging which might be considered "public data", this public data is not used to form the encrypted combination code. Doljack fails to disclose "applying public data to the goods" and applying a security code to the goods which is "derived by means of a predetermined encryption algorithm by encrypting said public data . . .". Only one code is applied to products in Doljack. Doljack (column 8, lines 56 to 58) states that "the code on each tag will consist of only an encrypted counterpart . . ." and states at (column 8, line 62) that "the tags

containing the encrypted combination codes are placed on products such that each product contains its own unique encrypted combination code . . .". Accordingly, the rejection under 35 USC § 102 of claim 7 is respectfully traversed since not all limitations of claim 7 and dependent claims 8 and 10 are disclosed by Doljack.

The rejection of dependent claim 9 for obviousness over Doljack is traversed for at least the same reasons presented above for the lack of anticipation of independent claim 7.

The rejection of claims 1, 3 to 6 and 15 to 17 for obviousness of Doljack in view of Moore (US Patent 5,895,073) is traversed.

1. *Doljack Does Not Teach Marking Goods With A Security Code Derived From Public Data On The Goods.*

Claim 1 recites "a method of verifying the authenticity of goods having public data and a security code applied thereto" and then continues to reiterate that the security code is "derived by means of a predetermined encryption algorithm by encrypting said public data . . .". As noted above in connection with claim 7, Doljack discloses the application of a single encrypted combination code which is not derived from public data applied to the goods. The obviousness rejection should be withdrawn for at least the reason that Doljack does not teach goods marked with a security code derived from the public data marked on the goods.

Doljack (see column 9 at lines 9 to 16) relies primarily on decryption of a non-random code portion. This non-random code portion is the same for all products of the

same type and because there is no encryption verification step as recited in claim 1 and because the nature of Doljack is that verification is carried out locally. Doljack matches on a single non-random code. To do otherwise, would make the database requirements of Doljack unmanageable since a copy of every code would need to be stored on every local verification computer.

With method recited in claim 1, the verification method relies on encryption of the public data already on the goods which is passed back to a verification center having a verification database. Claim 1 further requires generating "a list of verification codes" using the public data on the goods, where "each of said verification codes being generated by said predetermined encryption algorithm by encrypting said public data and one of said plurality of private data sets . . .". The security code applied to the goods is then compared "with said list of verification codes to assess the authenticity of goods". In the present invention (as evident from claim 1), it is only necessary to store the private data set which is relatively small. This private data set is able to generate a list of verification codes at will and as verification is required.

The step of generating a list of verification codes by encrypting public data provided by the person wishing to verify the goods is not disclosed in Doljack. Furthermore, there is no storage of private data to operate with the encryption algorithm and no comparison with a list of verification codes.

Doljack discloses a first pass, crude and very weak test against the non-random code. The random part of the code once decrypted is used to determine if an item with

exactly the same encrypted code had passed through that particular sale point in the past. Doljack will completely fail to detect many counterfeit goods in a situation where the so-called "local computers" are not linked. Indeed, Doljack is a rather strange disclosure which very nearly fails to detect counterfeit items at all. Counterfeit items which were widely dispersed geographically and/or which had low sales volumes, for example, would not be detected by Doljack.

Doljack fails to disclose goods having public data and a security code applied thereto. It fails to disclose the security code having been derived by means of a predetermined encryption algorithm by encrypting said public data, it fails to disclose generating a list of verification codes by re-encrypting said public data and one of said plurality of private data sets and it fails to disclose comparing said security code with said list of verification codes.

Accordingly, Doljack fails to disclose most of the limitations of claim 1 and furthermore aims at limiting the anti-counterfeiting process to local computers in contrast to the aim of the present invention.

In connection with independent claim 15 and as discussed above regarding claims 1 and 7, Doljack fails to disclose apparatus for verifying the authenticity of goods having public data and a security code applied thereto, in which the security code has been derived by means of a predetermined encryption algorithm by encrypting said public data.

Furthermore, Doljack fails to disclose a processor configured to generate a list of verification codes which are generated by said predetermined encryption algorithm by encrypting said public data and one of said plurality of private data sets. Independent claims 1 and 15 require the generation of lists of verification codes. Additionally, Doljack fails to disclose the process of comparing the security code applied to the goods with the list of verification codes to assess the authenticity of the goods. Independent claims 1 and 15 require comparing the security code on the goods to the list of verification codes generated from the public data on the goods.

2. *Moore's Request For Verification Does Not Suggest Modifying Doljack To Form Claimed Invention.*

Moore was applied as teaching a request for verification. Moore does not suggest the steps of claim 1 regarding goods with both public data and a security code, where the security code is derived by encrypting "public data applied to the goods." It would not have been obvious to a person of ordinary skill in the art to combine Doljack and Moore to apply to goods the claimed public data and security code.

Moore does not suggest a security code derived from public data also printed on goods or a processor to generate verification codes from the printed public data. The combination of Doljack and Moore would not have rendered obvious the apparatus defined by claim 15. Claims 16 and 17 depend from claim 15 and are submitted to be non-obvious at least by virtue of their dependency.

The rejection of dependent claims 3 to 6 is also traversed for the same reason a stated above for independent claim 1.

The rejection of dependent claim 2 for obviousness is traversed for the same reasons that independent claim 1 is shown above to be patentable over Doljack and Moore.

All claims are in good condition for allowance. If any small matter remains outstanding, the Examiner is requested to telephone applicants' attorney. Prompt reconsideration and allowance of this application is requested.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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